

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
SANDY JO BATTISTA,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	05-11456-DPW
)	
KATHLEEN M. DENNEHY,)	
Commissioner, ROBERT MURPHY,)	
Superintendent; STEVEN FAIRLY,)	
Director of Security;)	
SUSAN J. MARTIN, Director of)	
Health Services; GREGORY J.)	
HUGHES, LICSW; and UMASS)	
CORRECTIONAL HEALTH PROGRAM,)	
sued in the individual and)	
official capacities,)	
Defendants.)	
_____)	

ORDER

In accordance with the electronic Scheduling Order entered on December 10, 2007, plaintiff's *pro bono* counsel filed, on January 8, 2008, a Motion for Leave to File a First Amended Complaint (#77) along with the proposed First Amended Complaint, as well as a Notice of Non-Opposition (#78), in which plaintiff indicates she does not intend to oppose any motion filed by University of Massachusetts Correctional Health Program for entry of Separate and Final Judgment in this action. The First Amended Complaint does not name the University of Massachusetts Correctional Health Program as a defendant.

In light of the discussion during the scheduling conference on December 10, 2007 concerning how this case will proceed, I

ALLOW plaintiff's Motion for Leave to File a First Amended Complaint (#77), and direct that the proposed First Amended Complaint is now the operative pleading in this action.

Additionally, in light of the Notice of Non-Opposition (#78), I hereby VACATE the earlier denial of the Motion for Entry of Judgment Under Rule 54(b) by University of Massachusetts Correctional Health Program (#59),¹ and direct the Clerk to enter Separate and Final Judgment for University of Massachusetts Correctional Health Program, based on the March 22, 2006 Memorandum and Order (#42).

/s/ Douglas P. Woodlock
DOUGLAS P. WOODLOCK
UNITED STATES DISTRICT JUDGE

Date: January 10, 2008

¹On November 16, 2007 I denied, by electronic Order, the Motion for Entry of Judgment Under Rule 54(b) without prejudice.